

CERTIFIED ACCESS SPECIALIST PROGRAM

Division of the State Architect

Transcript of Public Workshop

February 1, 2006

Marriott Irvine Hotel
18000 Von Karman Avenue
Irvine, California

Facilitator

Salina Polston

DSA Staff

Rod Higgins
Andreas Michael
Mark Smith

Other Participants

Gary Kyle
Elaine Chen, Dale McIntosh Center
John Lonberg
JoAnne Sharp
Kimberley Wilder, Independent Living Center, Riverside County
Mary Jo Kadathy, Community Access Center, Riverside
Julia Reeves
Dennis Sharp
John W., Independent Living Center, Los Angeles
Jim Vitale

1 Welcome and Introductions

2 Ms. Salina Polston called the public workshop session to order at 1:00 p.m. She
3 explained that public comments will be taken in three different areas: certification
4 classifications and qualifications; expected knowledge and professional roles of certified
5 access specialists; and program oversight, public confidence, and handling of
6 complaints.

7

8 Mr. Rod Higgins said DSA has been developing the Certified Access Specialist program
9 for the past two years, and he expressed his appreciation to members of the staff for
10 their efforts.

1

2 Mr. Mark Smith noted the handouts include a description of the CASp program's history
3 and purpose. He apologized for being unable to notify all stakeholders in a timely
4 manner about this public workshop.

5

6 Mr. Smith reported that about 130 people have contacted DSA already about becoming
7 certified access specialists.

8

9 **Certification Classifications and Qualifications**

10 Mr. Smith said the CASp program's original Implementation Advisory Committee looked
11 at six different certification classifications and eventually concluded it would be best to
12 launch the program with two classifications, one for specialists who identify problems,
13 Certified Access Investigators, and one for Certified Access Architects, or people who
14 solve the problems.

15

16 Mr. Smith noted the experience requirements for Certified Access Investigators has
17 been the topic of some discussion. He explained that under the proposed qualifications,
18 plan reviewers and building inspectors would be eligible for consideration. He added
19 that DSA hopes to create a separate classification for plan reviewers once the program
20 gets underway.

21

22 Mr. Smith drew attention to the proposed experience requirements. He said some
23 people expressed concern that people with specific expertise in disabilities could be
24 excluded, so DSA added a provision recognizing alternatives to traditional experience.
25 He noted all applicants must take and pass the written certification examination.

26

1 Ms. Polston welcomed comments on the classifications and qualifications. She asked
2 speakers to come to the front of the room and identify themselves before speaking.

3

4 Elaine Chen, Dale McIntosh Center, asked for more information on qualifications for
5 people with nontraditional backgrounds. Mr. Higgins said DSA recognizes there are
6 people already working as access specialists, plan reviewers, and surveyors who have
7 valuable expertise. Mr. Smith added that access specialists are sometimes hired by
8 independent living centers to provide advice about correcting problems and eliminating
9 barriers.

10

11 Mr. Higgins noted DSA plans to require some training in sensitivity for all certified
12 access specialists. He welcomed independent living centers, disability organizations,
13 and people with disabilities to help DSA develop that program.

14

15 Mr. Smith commented that there are logical reasons behind the current accessibility
16 provisions, and he encouraged collaboration as a way of making sure state regulations
17 address everyone's needs.

18

19 Mr. Smith stated that when the CASp program was established, three broad objectives
20 were identified as ways to improve disability rights: 1) increase collaboration; 2)
21 improve clarity; and 3) ensure consistency.

22

23 Ms. JoAnne sharp recommended looking at the training classes provided by the
24 Department of Rehabilitation, particularly the C.A.N. Program. Mr. Higgins said DSA
25 was aware of the C.A.N. Program and had obtained some of those materials.

26

1 Mr. Smith explained that the intent of the sensitivity training was to ensure a basic
2 understanding of the needs and life situations of people with disabilities. He said DSA
3 envisioned a one-day seminar covering social protocols, ergonomic impacts, and
4 access issues for multiple disabilities. He reviewed the education and experience
5 requirements for people with nontraditional backgrounds.

6

7 One member of the public indicated that the American Institute of Architects recently
8 published a white paper on universal design in schools. He recommended incorporating
9 their recommendations and work done by others.

10

11 Mr. John W, Independent Living Center, Los Angeles, noted the architectural
12 community has failed to protect its clients from disability rights challenges. Mr. Smith
13 observed that although architects themselves have been reluctant to establish a
14 standard of care, the certification program will raise the bar and the standard will
15 change over time.

16

17 Mr. John Lonberg expressed disappointment in the low number of workshop
18 participants, which he attributed to the lack of information and notice to the general
19 public. He said few people check DSA's Website regularly, and the meeting was
20 scheduled with little advance notice. He recommended holding a third workshop
21 meeting back in Southern California after notifying all affected stakeholders and
22 advocacy groups.

23

24 Mr. Higgins stated that DSA plans to hold at least one or two additional meetings. He
25 invited people to add their names and contact information to DSA's mailing list.

26

1 One participant suggested the Inland Empire as a possible location.

2

3 Mr. Smith apologized that the staff was unable to provide more advance notification. He
4 explained that there have been recent cutbacks in staff and resources that have
5 affected the CASp program. Mr. Higgins welcomed outreach assistance from others.

6

7 Ms. Kimberley Wilder, Independent Living Center, Riverside County, expressed concern
8 that local building departments have not incorporated Title 24 into their building permit
9 processes, so non-complying structures are being constructed, inspected, and
10 approved. She asked how the CASp program can address these issues.

11

12 Ms. Mary Jo Kadathy, Community Access Center, Riverside, identified herself as an
13 advocate for systems change at an independent living center. She recommended
14 involving people at independent living centers who are already doing surveys for their
15 communities. She added that she shared Ms. Wilder's concerns about non-compliant
16 buildings.

17

18 Mr. Lonberg recommended that DSA send out notices to local building departments.

19

20 Mr. Higgins noted SB 1242 mandated training of building officials about accessibility,
21 and DSA put together a comprehensive program and invited all building departments in
22 the state to participate.

23

24 One person commented that small business in the state are frustrated about the lack of
25 clarity in accessibility requirements.

26

1 Mr. Smith observed that the subject of most people's concerns appears to be excluding
2 people with nontraditional backgrounds who have valuable expertise.

3

4 Mr. Jim Vitale cautioned that building officials are already spread so thin they can
5 adequately enforce structural provisions and fire life safety standards; he said adding
6 access compliance will make the problem even worse.

7

8 Mr. Smith stated that certification of individuals alone will not achieve the desired effect.
9 He expressed his opinion that real change will occur over time as the plan review
10 process changes to include accessibility.

11

12 Ms. Wilder said government enforcement would be a major step in the right direction.
13 She noted enforcement is up to individuals and disability advocates now. She
14 recommended requiring confirmation of access compliance before occupancy.

15

16 Mr. Smith commented that new construction is generally compliant, and the major
17 problem lies with remodeling and retrofitting of existing buildings.

18

19 Ms. Polston proposed moving on to the next issue.

20

21 **Expected Knowledge and Professional Roles of Certified Access Specialists**

22 Mr. Smith said many of the provisions in these sections were developed by Mr. Michael
23 Mankin, who was unable to attend. He explained how DSA identified the knowledge,
24 skills, and abilities (KSA's) required of certified access specialists. He noted every
25 applicant must have an overall understanding of ADA law and disability rights, plus a

1 knowledge of how the prescriptive requirements in codes and standards can be
2 translated into performance requirements.

3

4 Mr. Smith stated in defining the desired KSA's for the two certification classifications,
5 DSA conducted a detailed job analysis and then developed appropriate exam questions.
6 He noted the first group of certified specialists will have an opportunity to shape the
7 direction of the program and its regulations, and he welcomed their assistance. Mr.
8 Smith reviewed and discussed the KSA's identified so far.

9

10 Mr. Smith explained the difference between a licensing program and a certification
11 program. He noted professional licenses confer a level of public confidence and
12 endorsement of the services provided, while certifications acknowledge an individual's
13 competence in a certain body of knowledge.

14

15 Mr. Smith advised that the program reviewers rejected certain provisions as going
16 beyond what the enabling legislation allows in terms of certification. He noted DSA had
17 concerns about preventing abuses and ensuring accuracy in certified access specialists'
18 reports.

19

20 Ms. Polston welcomed comments on these topics.

21

22 Mr. Jim Vitale said there are not enough experts available. He asked how many people
23 in attendance had actually performed a formal evaluation of a public accommodation for
24 any purpose, and then he asked how many of those people conducted evaluations
25 without any code books or handbooks. He noted professional evaluators understand
26 the need to take code books, calculators, cameras, and levels to every job site. Mr.

1 Vitale urged DSA to reconsider requiring exam candidates to bring only pencils to the
2 test. He recommended an open-book test with calculators, and he suggested testing
3 on calculating slopes and other important aspects of evaluations.

4
5 Mr. Smith observed that preparation for the exam entails experience over time, not just
6 taking a few weeks of classes. He said DSA is hesitant to define the specific types of
7 training needed to adequately prepare candidates for the exam. He added that
8 obtaining certification does not guarantee perfection in the work done by certified
9 access specialists; instead, it sets only a basic minimum level of knowledge and skills.

10

11 Mr. Higgins recalled a forum in San Luis Obispo regarding ADA enforcement, at which a
12 Department of Justice representative asserted that ignorance is no excuse for violating
13 federal law. He said DSA hopes to develop an accessibility curriculum in conjunction
14 with architecture schools and community colleges. He noted the first CASp exam will
15 be offered once the regulations take effect, probably next June or July.

16

17 Mr. Smith emphasized that certification represents a minimum competency level and
18 applies only to individuals, not buildings, without any guarantees. He added that
19 program administration might eventually move out of state government to a professional
20 organization, at least for some functions.

21

22 Mr. Lonberg asked the staff to read and explain Section 101(b), defining the limits of
23 certification. He noted many building owners expect to have their buildings certified, so
24 the program's purpose needs to be made abundantly clear.

25

1 Mr. Smith commented that there might be follow-up legislation in the future allowing
2 certified access specialists to certify buildings, but the enabling legislation limits
3 certification to individuals now.

4

5 One participant asked if DSA will issue a study guide before the first examination. Mr.
6 Smith responded that DSA plans to contract with an outside organization to administer
7 the exam. He said DSA will handle on-line registrations, and there will be test sites in
8 northern and southern California. Mr. Smith stated that the core knowledge exam will
9 be given on the first exam date. For the second session, the core knowledge exam will
10 be given in the morning, followed by the access architect exam in the afternoon.

11

12 In terms of exam preparation, Mr. Higgins noted DSA's first concern in developing the
13 certification exam was to define job functions, identify necessary knowledge, skills, and
14 abilities, and then design an exam to test those items. He advised that the newly
15 established DSA Academy is developing classes on accessible plan review, scoping,
16 field investigation, and other related topics, but they will not be mandated. Mr. Higgins
17 said DSA may not endorse or require any particular training programs. He added that
18 CALBO and other organizations offer training as well.

19

20 One participant asked if DSA intends to develop a manual or standard format for field
21 investigation reports. Mr. Smith noted that kind of guidance will likely come as a
22 standard of practice, or a generally accepted "best practice" once the certification
23 program becomes established. He said DSA wants to avoid being overly prescriptive,
24 but he recognized that standard formats and survey checklists might be helpful.

25

26 Mr. Higgins talked about some of DSA's past training programs.

1

2 Mr. Dennis Sharp asked if there were exam questions on access surveying and
3 landscape architecture. Mr. Higgins responded that he was not able to divulge that
4 information.

5

6 One attendee asked what accommodations will be made for disabled applicants. Mr.
7 Smith said Mr. Michael Paravagna suggested that DSA designate one person to receive
8 and process requests for accommodation for all DSA activities.

9

10 Mr. Lonberg remarked that there are exam questions relating to an applicant's ability to
11 read and interpret blueprints to determine compliance of buildings.

12

13 Mr. Smith said DSA had considered a third certification classification for plan reviewers
14 and construction inspectors. While reading blueprints was deemed essential for that
15 position, he noted, it was not included as a requirement for Certified Access
16 Investigators.

17

18 Mr. Higgins expressed appreciation to participants for their helpful comments and
19 suggestions. He said DSA is excited about this opportunity to improve disability access
20 rights for California.

21

22 **Program Oversight, Public Confidence, and Handling of Complaints**

23 Mr. Smith noted the CASp program needs to be administered within the constraints of
24 its staffing and resources, so a modest start is being proposed. He said that while the
25 regulations and the enabling statute allow project audits as a quality assurance tool,
26 DSA will not implement this policy at the beginning.

1

2 Mr. Smith advised that the complaint procedures in the proposed regulations are similar
3 to those used by other state agencies.

4

5 Mr. Smith drew attention to the professional standards and ethical standards, noting that
6 these provisions have been significantly pared down. He said DSA's intent is to avoid
7 situations involving coercion, conflicts of interest, and confidentiality violations. He
8 noted DSA needs to specify some standards of conduct in order to cite them as reasons
9 for discipline.

10

11 Mr. Smith pointed out the professional standards require that any deficiencies identified
12 in certified access specialist reports must be supported with code references.

13

14 Mr. Smith reviewed highlights of Articles 5 through 8 of the proposed regulations.

15

16 **Other Issues**

17 Mr. Lonberg urged DSA to send notices of the public workshops to building officials,
18 building inspectors, plans examiners, and architectural groups statewide. Mr. Smith
19 said Mr. Mankin maintains a compendium of names and stakeholder organizations, and
20 he encouraged interested people to add their names to that list.

21

22 Mr. Higgins said DSA will send notices sometime during February regarding the next
23 session in southern California. He noted the northern California session will take place
24 in Oakland on February 7.

25

1 Mr. Smith remarked that videoconferences can be a good alternative to traveling to a
2 central place, and he encouraged participants to provide feedback to DSA on this
3 option. He said the CASp program's email address is casprogram@dgs.ca.gov, and a
4 link is provided on the DSA Website.

5

6 One person stated he had heard about possible legislation requiring commercial
7 properties to be brought into compliance with accessibility laws when leases change
8 hands. Mr. Smith said there was one proposal that would have required a survey
9 prepared by a certified access specialist whenever a commercial lease turned over, but
10 will not be enough certified specialists to meet that level of demand.

11

12 Mr. Smith noted Mr. Mankin prepared a written summary of pertinent legislation, and he
13 drew attention to that handout. He added that follow-up legislation regarding the CASp
14 program is very likely.

15

16 Mr. Lonberg said he was recently testifying in an access case involving a handicapped
17 parking space and adjacent access aisle, and the judge asked why the disabled person
18 could not have driven around to the other side of the store and parked in another lot.

19

20 One person reported that her organization was recently hired to provide an evaluation
21 report, and after receiving the report, the building owner expressed willingness to do
22 everything recommended.

23

24 Mr. Lonberg said certified access plan reviewers are required to become certified within
25 12 months after the program is implemented. Mr. Higgins confirmed that DSA intends
26 to expand the program to plan reviewers soon.

1

2 Participants expressed concern about the impact of certification on professional
3 insurance rates. Mr. Higgins said DSA is looking into this issue.

4

5 **Adjournment**

6 Mr. Higgins thanked meeting participants for their comments and suggestions. There
7 being no further business, the meeting was adjourned at 4:00 p.m.